

TRIAL COURT OF THE COMMONWEALTH

APPLICATION FOR ABUSE PREVENTION ORDER
ABUSE PREVENTION ORDER



FOR USE BY POLICE DEPARTMENTS AFTER COURT HOURS

When the Court is closed for business, any Justice assigned to the Judicial Response System may grant relief to a Plaintiff if the Plaintiff demonstrates a substantial likelihood of immediate danger of abuse. "In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief administrative justice and shall deliver a copy of such order on the next Court day to the clerk-magistrate of the Court having venue and jurisdiction over the matter..."

When any person charged with or arrested for a crime involving abuse under this chapter is released from custody, the Court or the emergency response judge shall issue, upon the request of the victim, a written no-contact order prohibiting the person charged or arrested from having any contact with the victim and shall use all reasonable means to notify the victim immediately of release from custody. The victim shall be given at no cost a certified copy of the no-contact order."

-G.L. c. 209A, §§ 5 & 6

INSTRUCTIONS FOR POLICE OFFICERS

USE OF THIS FORMS PACKAGE. This forms package has been promulgated by the Chief Justice for Administration and Management of the Massachusetts Trial Court pursuant to G.L. c. 209A, §§ 5 & 6 for use by police departments to record an Abuse Prevention Order issued by a Judge over the telephone when the Court is closed for business. Additional supplies of this forms package may be obtained from your local District Court. Please keep any supplies of these forms under adequate security to prevent misuse.

1. **COMPLAINT.** It is preferable to have the Plaintiff complete and sign the Complaint form set before contacting a Judge, if the Plaintiff is able to do so. Plaintiffs who have children must fill out the appropriate parts of the second page. Please print in ballpoint pen and press hard enough so that all four parts (white, pink, yellow and white) are legible. There are instructions which the Plaintiff may refer to on the back of the Complaint form set.

In appropriate circumstances, a Judge may issue an Order without the Plaintiff having completed and signed a written Complaint. If the Judge does so, please discard the Complaint form set and advise the Plaintiff that G. L. c. 209A, § 5 requires the Plaintiff to appear in Court on the next business day to file such a Complaint.

2. **ADDRESS IMPOUNDMENT.** If the Plaintiff wishes to keep her/his address confidential, you are to provide the Plaintiff with the Request for Address Impoundment form, seal the completed form in an envelope marked "PLAINTIFF'S ADDRESS - CONFIDENTIAL," and attach the envelope to the Court (white) copy of the Complaint.

3. **AFFIDAVIT.** After the Complaint form set has been completed and signed, separate the four parts from the form stub that holds them together. Turn over the original (white) part and ask the Plaintiff to describe the details of the abuse on the Affidavit form printed there. When the Affidavit is complete, please indicate by your signature that you have witnessed the Plaintiff's signature on the Affidavit.

In appropriate circumstances, a Judge may dispense with the need for an Affidavit. If the Judge does so, leave the Affidavit form blank.

4. **ORDER.** Read or summarize the Complaint and Affidavit over the telephone as requested by the Judge. If the Judge issues an Order, please complete Sections A and B of the Order form set, item by item, as the Judge directs. Please print in ballpoint pen and press hard enough so that all six parts (white, pink, yellow, blue, green and white) are legible. Leave the space for "Docket No." blank, but please remember to enter the name and address of the Court where the Judge makes the Order returnable. Print your name and police department, and print the name of the Judge issuing the Order, in the appropriate spaces. At the bottom of the second page of the Order, print the name of the "First or Chief Justice" as indicated by the issuing Judge. Leave blank the space for the Clerk-Magistrate or the Register of Probate to attest the Order.

5. **DEFENDANT INFORMATION FORM.** Provide the Plaintiff with the Defendant Information Form and ensure that the Plaintiff completes it to the best of that person's ability.

6. **COLLATING AND DISTRIBUTING COPIES.** Separate the six parts of each page of the Order form set from the form stub that holds them together. If the Plaintiff has completed the Complaint form, match up and staple together the copies of the Complaint form with the matching color copies of the Order form: the white (Court) copies, the pink (Plaintiff's) copies, the yellow (Defendant's) copies, and the white (Probation) copies.

Give the **pink** copies of the Complaint and Order to the Plaintiff.

Deliver the **white (Court)** copies and the **white (Probation)** copies of the Complaint and Order on the next business day to the Clerk-Magistrate or Register of the Court where the Order is returnable. If the Plaintiff's address has been impounded, please attach the Request for Address Impoundment form as instructed above.

Arrange for the **yellow** copies of the Complaint and Order to be served on the Defendant as soon as possible. If the service on the Defendant cannot be made before the date and time of hearing shown in the Order, service of additional Orders may be necessary.

The two remaining copies of the Order are for police use: the **blue** copy of the Order is for your records; the **green** copy of the Order may be used for the return of service that must be filed with the Court.